



Department of Energy

Idaho Operations Office
1955 Fremont Avenue
Idaho Falls, ID 83415

August 16, 2012

Michael Morisey
MuckRock News
Dept. MR P.O. Box 55819
Boston, MA 02205-5819

SUBJECT: (ID-2012-01769-F) (OM-PA-12-038)

Dear Mr. Morisey:

This is in final response to your request for information under the Freedom of Information Act (FOIA), 5 U.S.C. 552a. You asked for information related to:

1. Any requests for proposals, proposals submitted by vendors, contracts, budgets or cost allocations for the purchase and/or use of aerial drones, UAs, UAVs, and UASs (hereinafter "drones");
2. Any policies, guidelines, manuals and/or instructions on department use of drones, including on the legal process required (such as a warrant or court order), if any, before operating a drone;
3. Any departmental records concerning the department's use of drones now or plans to use drones in the future including:
 - a) The types of investigations or instances in which the department is using or plans to use drones, or how it plans to support, manage or oversee the usage of drones by another department or office;
 - b) Policies, guidelines, manuals and/or instructions on storage requirements or procedures for video or static images obtained through use of drones, including retention times;
 - c) The altitude at which drones can or do fly;
 - d) Drones ability to carry weapons

The Department of Energy Idaho Operations Office (DOE-ID) has no responsive records. The proposals and records you seek are work products of Battelle Energy Alliance, LLC (BEA) and are the property of BEA under the provisions of the Management & Operating Contract (DOE Contract No. DE-AC07-05ID14717). Specifically Clause I.15 (b) (3) of the contract states (DEAR § 970.5204-3 "Access to and Ownership of Records"), "Correspondence between the contractor and other segments of the contractor located away from the DOE facility," are designated as contractor-owned records. Consequently, the requested records are not agency records and are exempt from public release under the FOIA.

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The policies, guidelines, manuals and/or instructions that you have requested are publicly available on the Federal Aviation Administration Certificate of Authorization website <http://www.faa.gov/>.

I am the authorizing official for purposes of determining responses to FOIA requests. You may appeal, pursuant to 10 C.F.R. § 1004.8, the denial of information by the DOE. The appeal must be made within 30 calendar days of receipt of a letter denying any portion of the request. The appeal should be sent to the Director, Office of Hearings and Appeals, HG-1, U.S. L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615.

The written appeal, including the envelope, must clearly indicate that a Freedom of Information Act Appeal is being made. The appeal must contain all the elements required by 10 C.F.R. 1004.8, to the extent applicable. Judicial review will thereafter be available to you: (1) in the District of Columbia; (2) in the district where you reside; (3) in the district where your principal place of business is located; or (4) in the district where the DOE records are located. If you appeal, please provide me a copy of the same.

I appreciate the opportunity to assist you with this matter. If you have any questions about this correspondence, please contact me at 208-526-5190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Clayton Ogilvie".

Clayton Ogilvie
FOIA Officer